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C O N F I D E N T I A L BOGOTA 002156

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TAGS: [PGOV](#) [PREL](#) [KJUS](#) [CO](#)
SUBJECT: URIBE PICKS FOR TOP PROSECUTOR FACE COURT SCRUTINY

REF: BOGOTA 1879 AND PREVIOUS

Classified By: Deputy Chief of Mission Brian A. Nichols,
Reasons 1.4 (b) and (d)

SUMMARY

1. (C) President Uribe nominated former Colombian Permanent Representative to the OAS Camilo Ospina, former Council of State magistrate Juan Angel Palacio, and long-time Uribe associate Virginia Uribe Betancur to replace Mario Iguaran as Prosecutor General. The Supreme Court will question all three in televised hearings on July 9th, then select one to take office after Iguaran's term expires on July 31st. The Administration has signaled Ospina as its top choice, but the longstanding feud between Uribe and the Court could lead the magistrates to favor a candidate with as much autonomy from the administration as possible, given the critical issues the next Prosecutor General will face.

SUPREME COURT TO HOLD TELEVISED HEARINGS BEFORE DECISION

2. (U) President Uribe on July 4th named former Colombian Ambassador to the OAS Camilo Ospina, former Council of State magistrate Juan Angel Palacio, and long-time Uribe associate Virginia Uribe Betancur as his nominees to replace Mario Iguaran as Prosecutor General. Under the Colombian constitution, the Supreme Court must now review the nominees and select one to take office on August 1st, as Iguaran's four-term term ends July 31st. A candidate must win the votes of 16 of the Court's 23 magistrates to take the office. Supreme Court Magistrate Augusto Ibanez told Caracol Radio that he would have preferred candidates with criminal law experience, which all three lack. Still, most observers believe it is unlikely the Court will exercise its right to reject the ballot in its entirety because all three meet the constitutional requirements for the job.

3. (C) The Court announced last week it will question all three candidates in a July 9th televised public hearing. According to Colombian media, each candidate will have 30 minutes before the Court to highlight his or her professional experience, demonstrate his or her knowledge of the Fiscalia, and outline his or her plans if selected. After a short recess, the magistrates will return and question the nominees individually about anything they wish, whether or not the candidate mentioned it in his or her opening statement. The Court would then retire to make its decision, which Court members anticipate will happen July 23rd. Should the Court be unable to choose by the end of July, Deputy Prosecutor

General Guillermo Mendoza Diago would be acting Prosecutor General until the Court resolves the impasse.

OSPINA CLEARLY URIBE'S TOP CHOICE

¶4. (C) Colombian media for weeks have pointed to Ospina as Uribe's favored candidate. Before taking the OAS Ambassadorship, Ospina was Minister of Defense (2005-2006) and Presidential Legal Advisor (2002-2005) under Uribe. He has also served as judicial advisor to and General Secretary of the Ministry of the Treasury. Neither of the other candidates has Ospina's national-level experience, but several media outlets have noted that Ospina's closeness to Uribe could hurt his chances with the Court, which has clashed with Uribe repeatedly (reftel). In addition, German Sanchez of the OAS's Mission to Support the Peace Process and Rodrigo Rojas of NGO Pax Christi told us separately that Ospina has close, secret links to controversial emerald magnate Victor Carranza (who spent four years in prison in the late 1990s for ties to paramilitary groups and narcotraffickers) that are likely to be publicized if Carranza gets the nod.

¶5. (U) Uribe Betancur, an experienced commercial lawyer from Antioquia, has ties with Uribe that date back to their college days in the 1970s. She was a litigation attorney for decades, served as a legal advisor to the government of Antioquia when Uribe was the department's governor, and has served as a legal advisor to the Ministry of Transportation since 2002. She has also worked as Uribe's personal attorney. She told leading daily El Tiempo that that she hoped to strengthen Colombia's relatively new accusatory justice system (adopted in January 2008) and ensure the system received sufficient resources. If chosen, Uribe Betancur would be the country's first female Prosecutor General. Still, several newspapers have pointed out that her lack of experience with criminal law makes her a weak candidate, and leading newsweekly Semana argued that Uribe nominated her to make Ospina a more appealing candidate.

¶6. (U) Palacio, also a native of Antioquia, served from 2000-2008 as a magistrate on the Council of State (one of Colombia's four top judicial bodies) and as a member of one of Antioquia's top courts. Palacio served as legal advisor to Empresas Publicas de Medellin, one of the country's largest utility companies, and was on the faculty of several top Colombian universities. Palacio told El Tiempo he saw the Fiscal General's role as applying the Constitution and the laws fairly, and that he saw no place for inter-branch feuding. He also told the press he was surprised but honored to have been put on Uribe's ballot. Palacio publicly opposed the Court's late May decision to investigate 86 congressional representatives for potential wrongdoing in the vote to approve Uribe's reelection, however, and was invited by the administration to brief the representatives on the legal issues in the case.

FEUD MAKES OUTCOME UNCERTAIN

¶7. (C) The still-simmering feud between Uribe and the Court make the outcome of the vote unclear despite Ospina's greater national level experience and front-runner status. Analyses in Semana and El Tiempo point out that the feud is likely to make the Court favor the candidate with the most autonomy from the administration, given the critical issues the next Prosecutor General will face--which includes human rights violations, political corruption, the parapolitical investigation, and armed group demobilization. At the same time, the administration appears to be looking for an ally in the next Prosecutor General. Uribe Betancur told us that the week before her candidacy was announced, Secretary of the Presidency Bernardo Moreno told her the administration was looking for a Prosecutor General who would "deal adequately" with the "false positives" scandal, which Uribe Betancur interpreted as a signal that Moreno wanted the investigation buried.

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